

MONTANA LEGISLATIVE HISTORY

Chapter 324 19 95

Bill H 557 S _____ Original bill & history C

H. Committee on Business + Labor

Hearing Date(s) Feb 16 ☒ C

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_____ C

Date Out Feb 16 ☒ C

S. Committee on Public Health, Welfare + Safety

Hearing Date(s) Mar 13 ☒ C

Mar 15 ☒ C

_____ C

_____ C

Mar 16 ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

4/06 SIGNED BY PRESIDENT
 4/07 TRANSMITTED TO GOVERNOR
 4/12 SIGNED BY GOVERNOR
 CHAPTER NUMBER 379
 EFFECTIVE DATE: 04/12/95—SECTIONS 31 & 100
 EFFECTIVE DATE: 10/01/95—SECTIONS 1-30 & 32-99

HB 557 INTRODUCED BY ELLINGSON

ALLOW DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES AND
 LOCAL HEALTH BOARDS TO ESTABLISH SANITATION STANDARDS
 REGULATING PRACTICE OF TATTOOING

2/15	INTRODUCED		
2/15	FIRST READING		
2/15	REFERRED TO BUSINESS & LABOR		
2/16	HEARING		
2/16	FISCAL NOTE REQUESTED		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/17	FISCAL NOTE RECEIVED		
2/17	FISCAL NOTE PRINTED		
2/18	2ND READING PASSED	83	16
2/20	3RD READING PASSED	81	18
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/13	HEARING		
3/17	COMMITTEE REPORT—BILL CONCURRED		
3/25	2ND READING CONCURRED	48	0
3/27	3RD READING CONCURRED	42	7
	RETURNED TO HOUSE		
3/28	SIGNED BY SPEAKER		
3/28	SIGNED BY PRESIDENT		
3/29	TRANSMITTED TO GOVERNOR		
4/03	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 324		
	EFFECTIVE DATE: 10/01/95		

HB 558 INTRODUCED BY MARTINEZ

EXEMPT FROM PROPERTY TAXATION CERTAIN OWNER-OCCUPIED
 RESIDENCES OWNED BY ELDERLY PERSONS

2/15	INTRODUCED		
2/15	FIRST READING		
2/15	REFERRED TO TAXATION		
2/16	FISCAL NOTE REQUESTED		
2/27	FISCAL NOTE RECEIVED		
2/27	FISCAL NOTE PRINTED		
3/07	HEARING		
3/17	TABLED IN COMMITTEE		
3/29	MISSED TRANSMITTAL DEADLINE FOR 71ST DAY		
	DIED IN COMMITTEE		

HB 559 INTRODUCED BY MENAHAN, ET AL.

EXEMPT PINOCHLE TOURNAMENTS SPONSORED BY NONPROFIT
 ORGANIZATIONS FROM CERTAIN PROVISIONS OF CARD GAMES LAWS

2/15	INTRODUCED		
2/15	FIRST READING		
2/15	REFERRED TO BUSINESS & LABOR		
2/16	HEARING		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		

HEARING ON 557

Opening Statement by Sponsor:

REP. JON ELLINGSON, HD 65, Missoula County, said this bill was an act allowing the Department of Health and Environmental Sciences and local health boards to establish sanitation standards regulating the practice of tattooing.

Proponents' Testimony:

Beda Lovitt, Montana Medical Association, stated this issue has come forward because doctors have indicated individuals using needles are not subject to any kind of sanitation requirements or any type of regulations. Because of the concern of communicable diseases, this is a place for regulation. In consultation with the Department of Health during the drafting of this legislation, they had, as early as 1984, encountered some difficulties in trying to regulate tattooing.

John Halseth, M.D., said this bill was prompted by the experiences he has had with the people in the Great Falls area where parents had consulted him regarding children wanting tattoos. They were all under age. The parents were extremely upset because of the possibility of the transmission of viral diseases. Upon checking the public health department, it was determined there was no control, licensure or inspection of tattoo parlors. This is a big mistake and reason for this bill.

Dave Anderson said he had a tattoo studio in Helena and is also representing a facility for tattooing in Bozeman. He favored this bill. He felt regulations were necessary in the state.

Maureen Cleary-Schwinden said she was the mother of two boys and one has had a recent tattoo. Prior to her son receiving his tattoo she said she had been concerned. Before allowing her son to acquire his tattoo she checked with several tattoo parlors in Helena and determined that some of them did not have autoclaves for sterilization of equipment. Some did not use disposable needles. Some of the artists did not use rubber gloves or did not wash their hands. The parlors were unsanitary. She said she had spent considerable time finding a parlor which was sanitary. The one parlor in which the owner was conscientious of his work surroundings was from California and relocated in Helena. She said they had a lengthy conversation about parlors in the state. Among young people in the state there is a resurgence of tattooing. It is becoming a very popular thing for young people to do. The artist was appalled and surprised that there were no regulations. He was very supportive of the concept of getting some kind of minimum regulations. She supported the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. EWER asked if there was a minimum age for children to receive tattoos. REP. ELLINGSON stated there was not a minimum age. Ms. Cleary-Schwinden stated some of the parlors do require the parents' signature and others do not.

REP. BARNETT asked if there was a fiscal note and if it is unfunded. REP. ELLINGSON said it was an authorization and not a mandate. The local board may do any of these listed activities including the regulation as necessary. If the local board does feel that regulation is necessary, there is no requirement for the local board to do so.

REP. BARNETT questioned whether statistics had been derived to indicate any contacting of disease through a tattoo. Dr. Halseth stated, no but the potential is there.

REP. CARLEY TUSS said the new language authorizes the licensing of tattoo artists. Which department would do that licensing? REP. ELLINGSON stated since this portion of the bill addresses the powers of the local board, the intent of this portion of the bill is to allow licensing by the local board of health. REP. TUSS said the bill speaks to the licensing of tattoo artists which could be performed by local health authorities. Are there any other licensing practices which are conducted by that entity? Steve Meloy, Occupational Licensing Bureau, Department of Commerce, said the bill was more a question of sanitation than of credentials.

REP. LARSON asked if a local board may have the authority to adopt fees necessary to administer the cost of the program. REP. ELLINGSON stated no.

CHAIRMAN SIMON asked where the Department might go in this matter. Dale Taliafaro, Administrator, Health Services Division, Department of Health, said they had considered the issue and standards could be set. CHAIRMAN SIMON said he hoped the Department, in looking at the regulations, would be looking at it from a public health standpoint. Mr. Taliafaro said yes.

REP. LARSON asked if tattoo parlors should be registered, certified, or licensed. Mr. Taliafaro said registering would be the most desirable.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 557

Motion: REP. ELLINGSON MOVED HB 557 DO PASS. REP. ELLINGSON MOVED THE AMENDMENTS.

Discussion:

REP. ELLINGSON explained the amendments.

Motion: REP. ELLIS MOVED THE ELLIS AMENDMENTS.

Vote: Motion carried to adopt the Ellis amendment 18-0. Motion to adopt the Ellingson amendment carried 18-0.

Motion/Vote: REP. ELLINGSON MOVED ON HB 557 DO PASS AS AMENDED. Motion carried 18-0.

CHAIRMAN SIMON relinquished the chair to VICE CHAIRMAN MILLS.

HEARING ON HB 556

Opening Statement by Sponsor:

REP. BRUCE SIMON, HD 18, Yellowstone County stated this bill was an act generally revising state insurance law and providing for the disclosure of material transactions and creating a Risk-based Capital for Insurers Act.

Proponents' Testimony:

Frank Coty, Deputy Insurance Commissioner, provided the insurance code amendments summary from the State Auditor's Office, Department of Insurance and the National Association of Insurance Commissioners financial regulation standards and accreditation program. EXHIBITS 2 and 3

Larry Akey, Montana Association of Life Underwriters and the National Association of Independent Insurers said this bill is a clean up bill. The Insurance Commissioner's office has been very willing to work with people in the industry to make certain the language is acceptable.

Jacqueline Lenmark, American Insurance Association, stated she supported the bill.

Ward Shanahan, Farmers Insurance Group, said they supported the bill.

Tom Hopgood, Health Insurance Association of America, also supported the bill.

Roger McGlenn, Executive Director, Independent Insurance Agency of Montana, supported this bill.

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 2-16-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		



HOUSE STANDING COMMITTEE REPORT

February 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that House Bill 557 (first reading copy -- white) do pass as amended.

Signed:


Bruce Simon, Chair

And, that such amendments read:

1. Page 2, line 28.

Following: "equipment,"

Insert: "and"

Following: "operation,"

Insert: "solely oriented to the protection of public health"

Following: "and"

Insert: "the"

2. Page 4, line 11.

Strike: "licensing"

Insert: "registering"

3. Page 4, line 12.

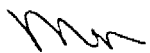
Following: "establishments,"

Insert: "adopting fees,"

Following: "and"

Insert: "also"

-END-



2/16

Committee Vote:

Yes 18, No 0.

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Business & Labor

BILL NO. 557 SPONSOR(S)

PLEASE PRINT

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORM
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Jennifer Brannon said went to 8 stores and was able to purchase cigarettes, another student, who is a freshman, went one time and was able to purchase cigarettes. She said she is 17 years old.

SENATOR MOHL asked about the amounts of fines, and why will the law be more enforceable now than before.

Tim Solomon said it will be more enforceable because there's a different group helping law enforcement. There have been many volunteers and teens willing to help, and the Department of Corrections has offered help with paper work. He said there aren't enough law enforcement officers to enforce this law by themselves.

SENATOR ECK asked about 100% availability of cigarettes from vending machines and how is this issue to be addressed.

Mona Jamison said there is a section in the Youth Access law not being amended which makes it clear vending machines have to be under the visual sight of the cash register or where a person selling is located. The license that would be suspended for 3 months on the 6th violation and 1 year on the 7th is the cigarette license, but is not the license to do business. She referred to page 1 of HB 539, line 19.

SENATOR SPRAGUE said that is reassuring.

{Tape: 1; Side: 2}

Closing by Sponsor:

REP. SOFT thanked the students who came from Missoula, Havre, Bozeman, Billings and Helena to speak for HB 539. He said this is an education, compliance, and health bill and asked the Committee to give the students a chance for this plan to work.

HEARING ON HB 557

Opening Statement by Sponsor:

REP. JON ELLINGSON, HD 65, Missoula, said HB 557 is a modest regulatory measure to allow the Department of Health and Environmental Sciences and local boards of health to establish regulations for sanitation in the practice of tattooing, which most other states already have. Montana is one of the few states that does not have such rules. He said this is a public health bill and addresses only public health issues.

The tattooing industry supports this Legislation because they realize in the absence of regulation there is serious public health risk, and this risk can tarnish the reputation of the tattooing industry. The public health issue, in the absence of regulations, is the spread of communicable diseases, particularly hepatitis and HIV. He discussed portions of page 2 and 4 of the

bill, saying the Department of Health and Environmental Sciences will be allowed to adopt and enforce minimum sanitation requirements for tattooing, and allows local Boards to provide for the regulation, as necessary, the practice of tattooing.

Proponents' Testimony:

Beta Lovitt, representing the Montana Medical Association, said this legislation is overdue because it is a situation that raises concerns about public health and safety. She said other professions where needles puncture the skin are bound by regulations that control their sanitation, with safeguards in place to guarantee there is no health risk. She urged the Committee's support of this bill.

John Halseth, Physician, Public Health Officer, Great Falls and Cascade County, said some problems had occurred in Cascade County because there is no control over tattoo parlors. He said people who are tattooed risk being inoculated with hepatitis B, other hepatitis sub species, and HIV. He said he supports the bill and amendments.

Maureen Cleary Schwinden said she is the mother of a 16-year old boy who is determined to get a tattoo and is concerned about the health aspects of tattooing. She said she had talked with the operators of several tattoo parlors in Helena, and was surprised there were no regulations for sanitation for these businesses.

Robert J. Rosini, Bozeman, said he has been tattooing for 42 years, and is associated with the Alliance of Tattoo Artists, which was started with the help of OSHA to control what HB 557 is trying to do. He passed out a packet of information. EXHIBIT 7. and talked about the information presented.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR MOHL referring to page 4, he asked why the license requirement was taken out of the bill.

REP. ELLINGSON said the licensing requirement was removed by the Business and Labor Committee because they didn't think it was appropriate for local Boards to be in the business of going through the formal license procedure for the local tattoo artists. They thought registration of the artists was sufficient.

SENATOR MOHL said he thinks licensing should be included to help recover some of the funding necessary to inspect these businesses and there would be better control. He said if businesses do not comply, they would lose their license, which would be the control measure. He asked REP. ELLINGSON if he would object to licensing.

REP. ELLINGSON said he objects to the licensing being included because there are questions to be answered. If there is licensing, should it be by state or local boards, and if by the state, then would a Board of Tatoo Artists need to be created to establish licensing standards.

SENATOR KLAMPE asked what OSHA's involvement at the present time.

REP. ELLINGSON deferred to Robert Rosini who said they are pushing for world-wide sterilization requirements.

Dr. John Halseth said he wants to make sure that places that puncture the skin are doing a proper job of sterilization, tattooing is a potential source for the spread of communicable disease, and he would like to prevent that.

SENATOR BURNETT asked if regulation by the State Board of Health or the County Health Officer be sufficient.

Dr. Halseth said the State Board of Health would be in control and would instruct the local board of health to enforce.

Closing by Sponsor:

REP. ELLINGSON said this bill provides some modest regulatory control over the practice of tattooing. This is an important public health issue and Montana should not wait until there is an identifiable outbreak of hepatitis, HIV or other communicable disease that is traceable to one particular tatoo artist before imposing some sanitary regulations on this industry. He urged the Committee's favorable consideration of HB 557.

HEARING ON HB 504

Opening Statement by Sponsor:

REP. JOHN COBB, HD 50, Augusta, said HB 504 governs the Department of SRS and Department of Labor to adopt rules for Personal Assistants. He read the Statement of Intent regarding the employment of a Personal Assistant and Plan of Care. He referred to the Fiscal Note saying only 30-50 people could participate in this self-directed program. EXHIBIT 8.

Proponents' Testimony:

Barbara Larson, representing Coalition of Montanans Concerned with Disabilities, handed out copies of the amendments and some information about the bill. EXHIBIT 9 She read her written testimony in support of HB 504. EXHIBIT 10. She distributed arguments prepared for REP. COBB to clarify some issues that were raised before House Health Committee. EXHIBIT 11.

MONTANA SENATE
1995 LEGISLATURE
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

ROLL CALL

DATE 3/13/95

[illegible]

SEN:1995
wp.rollcall.man
CS-09

EXECUTIVE ACTION ON HB 557

Motion: SENATOR MOHL moved to amend page 4, line 11, to license rather than registering.

Discussion: SENATOR MOHL said with a license there is better control plus getting some revenue.

SENATOR BENEDICT said he didn't think the tattoo artists wanted to be licensed, but just wanted to start with registering. He said does not favor this because along with licensing, a Board is created and given rule-making authority, and is not in favor of creating any new Boards.

SENATOR SPRAGUE agreed with SENATOR BENEDICT's statement.

SENATOR FRANKLIN said SENATOR MOHL may be correct, but probably shouldn't be done at this point, without a full hearing.

SENATOR MOHL agreed with SENATOR BENEDICT's statement about a Board, but if there is a business that isn't following the rules, what can be taken from them, and what's the limit to keep someone from starting up in any corner. He said there is no control unless there is a license which can be revoked to put them out of business.

SENATOR BAER said if SENATOR MOHL's amendment is approved for licensing, and asked what is being created by this bill. He asked if an agency or some type of bureaucracy will have to be created to oversee the licensing.

SENATOR BENEDICT said a Board would have to start do everything rule-making does through Montana Administrative Procedure.

SENATOR BURNETT said they could require them to have a Health Certificate, and that wouldn't be creating any new Board.

SENATOR SPRAGUE said they are already required to have a Health Certificate from the Board of Health.

Motion: SENATOR MOHL withdrew his amendment motion.

Motion/Vote: SENATOR FRANKLIN moved HB 557 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

SENATOR FRANKLIN will carry the bill.

VICE CHAIRMAN BENEDICT assigned bills:

SENATOR GROSFIELD will carry HB 539

SENATOR ECK will carry HB 504

SENATOR BAER will carry HB 442

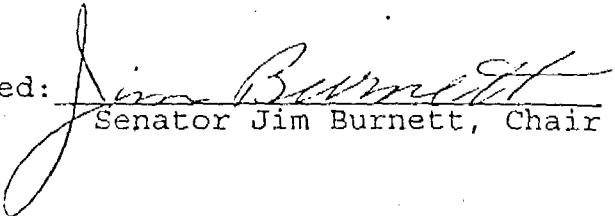
SENATE STANDING COMMITTEE REPORT

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March 16, 1995

MR. PRESIDENT:

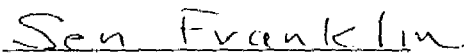
We, your committee on Public Health, Welfare, and Safety having had under consideration HB 557 (third reading copy -- blue), respectfully report that HB 557 be concurred in.

Signed:


Senator Jim Burnett, Chair

 Amd. Coord.

 Sec. of Senate


Senator Carrying Bill

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